

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

C.A. No. 04-12244-GAO
Consolidated

STANDARD FIRE INSURANCE COMPANY,
Plaintiff

v.

CROSBY YACHT YARD, INC and
OYSTER HARBORS MARINE , INC.,
Defendants

JOINT SCHEDULING CONFERENCE STATEMENT

Pursuant to this Court's December 8, 2005 Notice of Scheduling Conference, and in accordance with Fed. R. Civ. P. 16(b) and Local Rule 16.1, the parties hereby submit the following Joint Statement, which includes the following: (1) A proposed agenda of matters to be discussed at the scheduling conference; (2) A proposed pretrial schedule (including a plan for responding to the complaint, initial disclosures, discovery, the filing of motions, and a pretrial conference); and (3) Certifications required by Local Rule 16.1(D)(3)

I. Matters to be discussed at scheduling conference.

A. Settlement. The parties have not yet discussed a possible settlement, but will do so prior to November 28, 2005.

B. Trial By Magistrate Judge. At this time, the parties do not consent to trial by a Magistrate Judge.

C. Proposed Pretrial Schedule.

1. Initial Disclosures
2. Discovery – Fact and Expert

3. Motions
4. Pretrial Conference

D. Any Matter Listed in Fed. R. Civ. P. 16(c).

II. Proposed Pretrial Schedule

A. Discovery Plan

See Attachment 1 entitled "Discovery Plan."

B. Pretrial Conference

The parties will be prepared to meet with the Court to discuss scheduling the trial of this matter on or after the dates each proposed in the attached Proposed Discovery Plan for the final pretrial conference.

III. Certifications By Counsel and Parties

Pursuant to Local Rule 16.1(D)(3), attached hereto are certifications from counsel and authorized representatives of each party that they have conferred on the matters set forth in that Rule.

Respectfully submitted,

ACE American Insurance Company, et. al.
By its attorney,
/s/Paul F. Cavanaugh
Paul F. Cavanaugh, BBO #561158
Daly Cavanaugh LLP
27 Mica Lane, Suite 101
Wellesley, MA 02481

Telephone: (781) 237-0600

Standard Fire Insurance Co.
By its attorney,
/s/Robert E. Kiely
Robert E. Kiely, BBO#
Regan & Kiely
85 Devonshire Street
Boston, MA 02109

Telephone: (617) 723-0901

Oyster Harbor Marine Business
Trust, et. al.

One Beacon American Insurance Co.
Robert E. Collins, BBO#

/s/Heather Davies
Heather E. Davies, BBO#
McDonough, Hacking & Lavoie, LLC
Counselors at Law
6 Beacon Street, Suite 815
Boston, MA 02108

/s/Robert E. Collins
Robert E. Collins, BBO#
Clinton & Muzyka
1 Washington Mall
Suite 1400
Boston, MA 02108

Telephone: (617) 367-3822

Telephone: (617) 723-9165

Crosby Yacht Yard, Inc.
By its attorney,

Oyster Harbors Marine, Inc.
By its attorney,

Seth S. Holbrook, BBO#
Holbrook & Murphy
150 Federal Street, 12th Floor
Boston, MA 02210

/s/ John H. Bruno
John H. Bruno, BBO#
Masi & Bruno
124 Long Pond Road, Unit 11
Plymouth, MA 02110

Telephone: (617) 428-1151

Telephone: (617) 747-5277 ext. 245

Certificate of Service

I hereby certify that on Monday, December 5, 2005, I electronically filed the Joint Scheduling Statement of the parties to this action with the Clerk of the Court using the CM/ECF system, Paul F. Cavanaugh

Attachment 1 Proposed Discovery Plan

Action	
1.	All amendments and/or supplements to the pleadings to be filed, reserving the right to amend and/or supplement if new evidence is introduced as a result of discovery.
2.	Plaintiff shall answer defendant's interrogatories and respond to defendant's request for production.
3.	The defendant shall answer plaintiff's interrogatories and respond to plaintiff's request for production of documents.
4.	All factual depositions to be completed. Each party to be limited to ten non-party factual depositions plus one deposition of each party.
5.	Each plaintiff shall designate trial experts and shall disclose the information contemplated by FRCP 26(a)(2)(B). Plaintiff's experts shall become available for deposition upon designation. Limit of seven property damage/marine surveyors, two experts Fire Origin & Cause experts, one fire safety expert and one Boat Yard Operator expert.
6.	Number of admissions under FRCP limited to 150 served to each other party.
7.	Each defendant shall designate trial experts and shall disclose the information contemplated by FRCP 26(a)(2) (B). Limit of two property damage/marine surveyors, two Fire Origin & Cause experts, one fire safety expert and one Boat Yard Operator expert.
8.	All expert depositions to be completed, including <i>de bene esse</i> depositions.
9.	All dispositive motions, and/or motions for summary judgment to be filed.
10.	Final pre-trial conference.

Deadlines						
	Plaintiff	Plaintiff	Plaintiff	Plaintiff	Defendant	Defendant
	Ace American Insurance Co. et. al.	Standard Fire Insurance Company	One Beacon American Insurance	Oyster Harbors Marine Business Trust, et. al.	Crosby Yacht Yard, Inc.	Oyster Harbors Marine, Inc.
1.	April 15, 2006	April 15, 2006	April 15, 2006	April 15, 2006	April 15, 2006	April 15, 2006
2.	May 15, 2006	May 15, 2006	May 15, 2006	May 15, 2006		
3.					May 15, 2006	May 15, 2006
4.	October 7, 2006	October 7, 2006	October 7, 2006	October 7, 2006	October 7, 2006	October 7, 2006
5.	August 1, 2006	August 1, 2006	August 1, 2006	August 1, 2006		
6.	October 15, 2006	October 15, 2006	October 15, 2006	October 15, 2006	October 15, 2006	October 15, 2006
7.					September 1, 2006	September 1, 2006
8.	December 31, 2006	December 31, 2006	December 31, 2006	December 31, 2006	December 31, 2006	December 31, 2006
9.	February 28, 2007	February 28, 2007	February 28, 2007	February 28, 2007	February 28, 2007	February 28, 2007
10.	April 30, 2007	April 30, 2007	April 30, 2007	April 30, 2007	April 30, 2007	April 30, 2007